

Mail Stop Interference  
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Paper 1  
Entered: September 1, 2011

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

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Reinhard Georg **Hanreich**, Heng-Tay Wu,  
Michael Allen Oliver, and Dean Kent Hoglen,  
(Application 09/878,661)  
Junior Party,

v.

**Dow** Agrosiences, LLC,  
(Patent 5,910,602;  
Inventors: Joshua A. Chong, Fereydon Abdesaken and  
Peter Osei-Gyimah),  
Senior Party

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Patent Interference 105,808 (RES)  
(Technology Center 1600)

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**DECLARATION – 37 CFR § 41.203(d)**

**Part A. Declaration of interference**

An interference is declared (35 U.S.C. § 135(a)) between the above-identified parties. Details of the application and patent, count and claims designated as corresponding to the count appear in Parts E and F of this DECLARATION.

1           **Part B. Judge managing the interference**

2           Administrative Patent Judge Richard E. Schafer has been designated to  
3 manage the interference. 37 CFR § 41.104(a).

4           **Part C. Standing order**

5           A Trial Section STANDING ORDER (SO) (Paper 2) accompanies this  
6 DECLARATION. The STANDING ORDER applies to this interference.

7           **Part D. Initial conference call**

8           A telephone conference call to discuss the interference is set for **4:00 p.m.**  
9 **on October 26, 2011** (the Board will initiate the call).

10          No later than **two business days** prior to the conference call, each party shall  
11 file and serve (SO ¶¶ 10.1 & 105) a list of the motions (37 CFR § 41.120 & 204;  
12 SO ¶¶ 104.2.1, 120 & 204) the party intends to file.

13          A time periods for taking action during the motion phase are set in an order  
14 accompanying this declaration.

15          **Part E. Identification and order of the parties**

16                           **Junior Party**

17          Named inventors:       Reinhard Georg Hanreich,  
18                                       Herng-Tay Wu  
19                                       Michael Allen Oliver  
20                                       Dean Kent Hoglen

21          Involved Application:   Application 09/878,661, filed March 23, 2001

22  
23          Title:                    Process for the Preparation of Substituted Crotonic  
24                                       Acid Esters

25          Assignee of Record:   None

**Senior Party**

Named Inventors: Joshua A. Chong  
Fereydon Abdesaken  
Peter Osei-Gyimah

Involved Patent: 5,910,602 (issued from Application 09/069,395  
filed  
April 29, 1998)

Title: Method for Preparing 3-Amino Substituted  
Crotonates

Assignee of Record: Dow Agrosiences, LLC

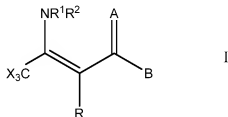
The senior party is responsible for initiating the mandatory settlement  
discussions. SO ¶ 126.1.

The senior party is assigned exhibit numbers 1001-1999. The junior party is  
assigned exhibit numbers 2001-2999. 37 CFR § 41.154(c)(1); SO ¶ 154.2.1.

**Part F. Count and claims of the parties**

**Count 1**

A method for the preparation in a yield greater than 80% of a 3-amino-4,4,4-trihaloacetonate compound of Formula I



wherein

X is fluoro

A is O;

B is OR<sup>6</sup>;

R and R<sup>1</sup> are H,

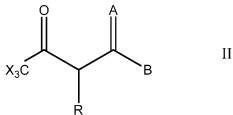
R<sup>2</sup> is methyl, and

R<sup>6</sup> is (C<sub>1</sub>-C<sub>6</sub>)alkyl

consisting of forming and heating a mixture comprising

1. solvent,

2. a 4,4,4-trihaloacetoacetate derivative of Formula II



wherein X, R, A and B are the same as defined for Formula I, and

3. an amine or ammonium salt of a weak acid of the Formula R<sup>1</sup> R<sup>2</sup> NH<sub>2</sub><sup>+</sup>Y<sup>-</sup> wherein R<sup>1</sup> and R<sup>2</sup> are the same as defined for Formula I and Y<sup>-</sup> is the anion of a weak acid.

1 The claims of the parties are:

2 Hanreich Application 09/878,661: 1-10

3 Dow Agrosience Patent 5,910,602: 1-11

4 The claims of the parties that correspond to Count 1 are:

5 Hanreich Application 09/878,661: 1-10

6 Dow Agrosience Patent 5,910,602: 1-11

7 The claims of the parties that do not correspond to Count 1, and therefore are  
8 not involved in the interference, are:

9 Hanreich Application 09/878,661: None

10 Dow Agrosience Patent 5,910,602: None

11 The parties are accorded the following benefit for Count 1:

12 Hanreich: None

13 Dow Agrosience: None

14 **Part G. Heading to be used on papers**

15 The following heading must be used on all papers filed in this interference,

16 see SO ¶ 106.1.1:

Filed on behalf of: *Party @.*

By: *Counsel Name(s) @*

*Address @*

*(@@@) @@- @@@@ (telephone)*

*(@@@) @@- @@@@ (facsimile)*

Email: *@@@*

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*Title of Paper*

**Part H. Order form for requesting file copies**

When requesting copies of files, use of SO Form 4 will greatly expedite processing of the request. Please attach a copy of Parts E and F of this DECLARATION with a hand-drawn circle around the patents and applications for which a copy of a file wrapper is requested.<sup>1</sup>

/Richard E. Schafer/  
Administrative Patent Judge

Enc:

Copy of STANDING ORDER  
Copy U.S. Patent 5,910,602  
Copy of claims of Application 09/878,661

cc (via overnight delivery):

Attorney for Hanreich  
William A. Teoli, Jr.  
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<sup>1</sup> This procedure applies only to the files of the involved patent and application and any files for which benefit has been accorded. Other files should be ordered directly from the Office of Public Records.